

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF GEORGIA  
ATHENS DIVISION

AMANDA BEHENDRESEN DALTON,	*	
Plaintiff,	*	
vs.	*	CASE NO. 3:12-CV-82 (CDL)
VANHEATH LLP and HEATH BURTON,	*	
Defendants.	*	

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O R D E R

After an entry of default was entered in favor of Plaintiff and against both Defendants and before a hearing could be scheduled to determine Plaintiff's unliquidated damages, Defendant Heath Burton filed a Suggestion of Bankruptcy which resulted in an automatic stay of this action. Plaintiff subsequently filed an adversary proceeding in the Bankruptcy Court asserting her claim against Heath Burton that is presently pending in this action and arguing that the claim is non-dischargeable pursuant to 11 U.S.C. § 523(a)(6). Plaintiff has now filed a Motion to Withdraw the Reference to the Bankruptcy Court (ECF No. 19) arguing that the stay should be lifted and that this Court, instead of the Bankruptcy Court, should decide the claims asserted in this action notwithstanding the pendency of the Bankruptcy proceeding.

Having fully considered Plaintiff's motion, the Court finds that it should be granted. Accordingly, the stay in this action is lifted. This Court will decide the claims asserted by Plaintiff against Defendants Heath Burton and Vanheath LLP. Since entries of default have been entered against both Defendants, the only issue remaining is the amount of damages to be awarded to Plaintiff. The Court finds that an evidentiary hearing is necessary for making that determination. Accordingly, the parties shall appear at the United States Courthouse in Athens Georgia on October 25, 2013 at 9:00 A.M. for an evidentiary hearing. In addition to the issues related to damages, the Court will also hear any other arguments regarding the dischargeability of the claim against Defendant Burton at that hearing. The Court does observe, however, that in light of the default, the allegations in the Complaint are deemed admitted.

In addition to service of this Order on the parties to this action, the Clerk is directed to have this Order filed in the bankruptcy proceeding and served on all parties to that proceeding.

IT IS SO ORDERED, this 17th day of September, 2013.

S/Clay D. Land

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CLAY D. LAND

UNITED STATES DISTRICT JUDGE